



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 2002-00290-2-L3
Issue Date: August 30, 2004
Expiration Date: September 28, 2004

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Goldfarb Properties
DBA Jones Inlet Marina
710 South Main Street
Freeport, NY 11520-5726

ACTIVITY: Marina Perimeter Line Expansion, Dredge w/Upland Disposal, Rip Rap, Ramps, Floats, Piles

WATERWAY: North Basin off Hudson Bay, Hempstead Bay

LOCATION: Inc. Village of Freeport, Town of Hempstead, Nassau County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

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Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the District Engineer is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service (NMFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). A complete description of the project is given in the attached Work Description. The District Engineer has made the preliminary determination that the site-specific effects are likely to adversely affect EFH and EFH-managed species. Further consultation with NMFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

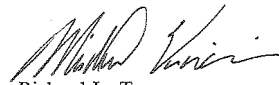
Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

In addition to any required water quality certificate and coastal zone management program concurrence, the applicant has obtained or requested the following governmental authorization for the activity under consideration:

- New York Department of Environmental Conservation Permit
- Incorporated Village of Freeport Permit

It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (212) 264-3813 and ask for Zarife Koko Cronin.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>


For Richard L. Tomer
Chief, Regulatory Branch

Enclosures

**CENAN-OP-RE
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WORK DESCRIPTION

The applicant, Goldfarb Properties DBA Jones Inlet Marina (Figures 1 and 2), has requested Department of the Army authorization to change an existing marina perimeter line to incorporate the area of the North Basin to allow for the expansion of marina mooring structures for 25 additional boats (Figure 3).

The applicant proposes to hydraulically dredge approximately 3,400 cubic yards of a mudflat from an approximate 10-foot wide by 475-foot long area to a depth of 6' below the plane of mean low water (Figures 4 through 6), then stabilize the Spartina sp. shoreline with 300 cubic yards of rip rap to prevent slumping of the marsh into the waterway after the proposed dredging activity. The dredge material would be temporarily placed in the uplands at the adjacent property (Goldfarb Properties DBA Ocean Watch LLC), where it would be contained by geotubes and haybales, then subsequently transported to an approved upland facility for disposal. No return flow to the waterway is anticipated.

The proposed marina expansion would consist of two 3-foot wide by 30-foot long ramps leading to twelve 6-foot wide by 40-foot long floats placed end-to-end, secured by twenty-four 12-inch diameter guide piles, for a total float expansion length of 480 feet. Placed at an angle (approximately 30 degrees from perpendicular) to the proposed 480-foot long float would be two 10-foot wide by 40-foot long floats (secured by two 12-inch diameter guide piles each), ten 4-foot wide by 40-foot long floats each secured by one 12-inch diameter guide pile, and thirteen 12-inch diameter mooring piles as shown on Figures 4 through 6. The proposed activity would affect approximately 0.13 acres of waters of the United States.

The site is in the North Basin off Hudson Bay, Hempstead Bay, at the Incorporated Village of Freeport, Town of Hempstead, Nassau County, New York.

The stated purpose of this project is to expand the marina operations by changing the perimeter line established in 1990, dredging for access and structures for mooring of additional vessels.

LOCATION MAP

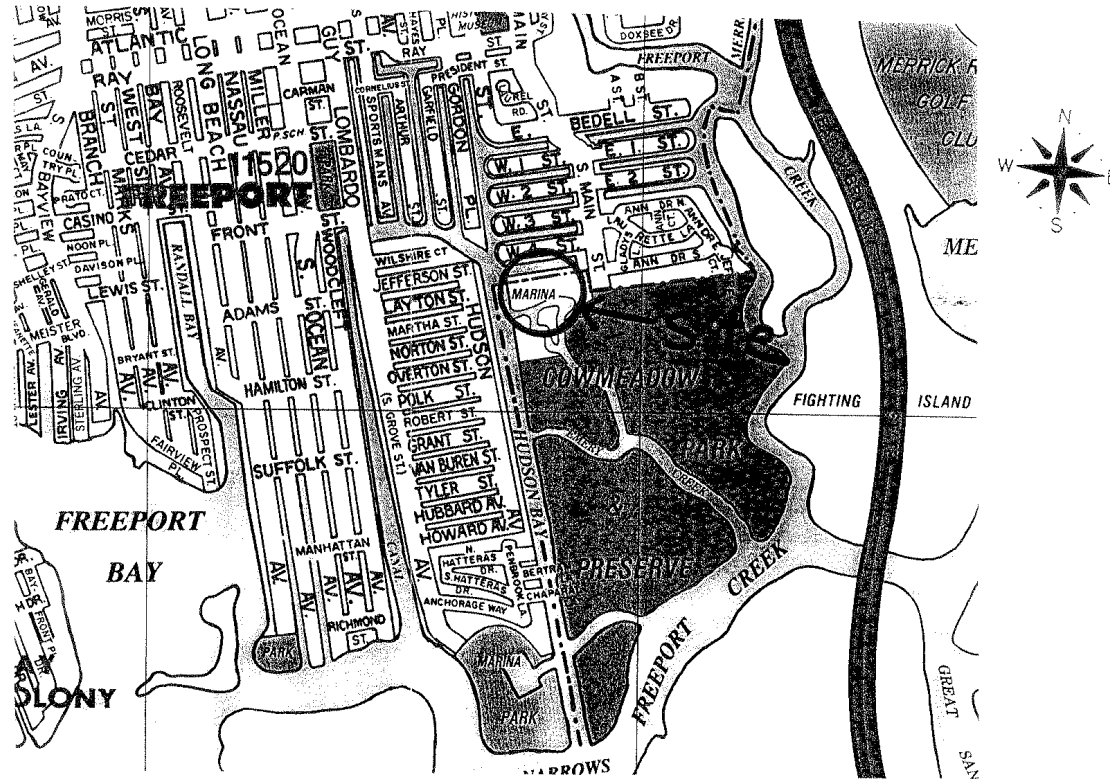


Fig. 1/6

LAND USE ECOLOGICAL SERVICES, INC.

2576 SOUND AVENUE
DARTING HOLLOW, N.Y. 11933
(631) 727-2400 • FAX (631) 727-2605

OCEAN WATCH /
*Jones Inlet Marina - Freeport

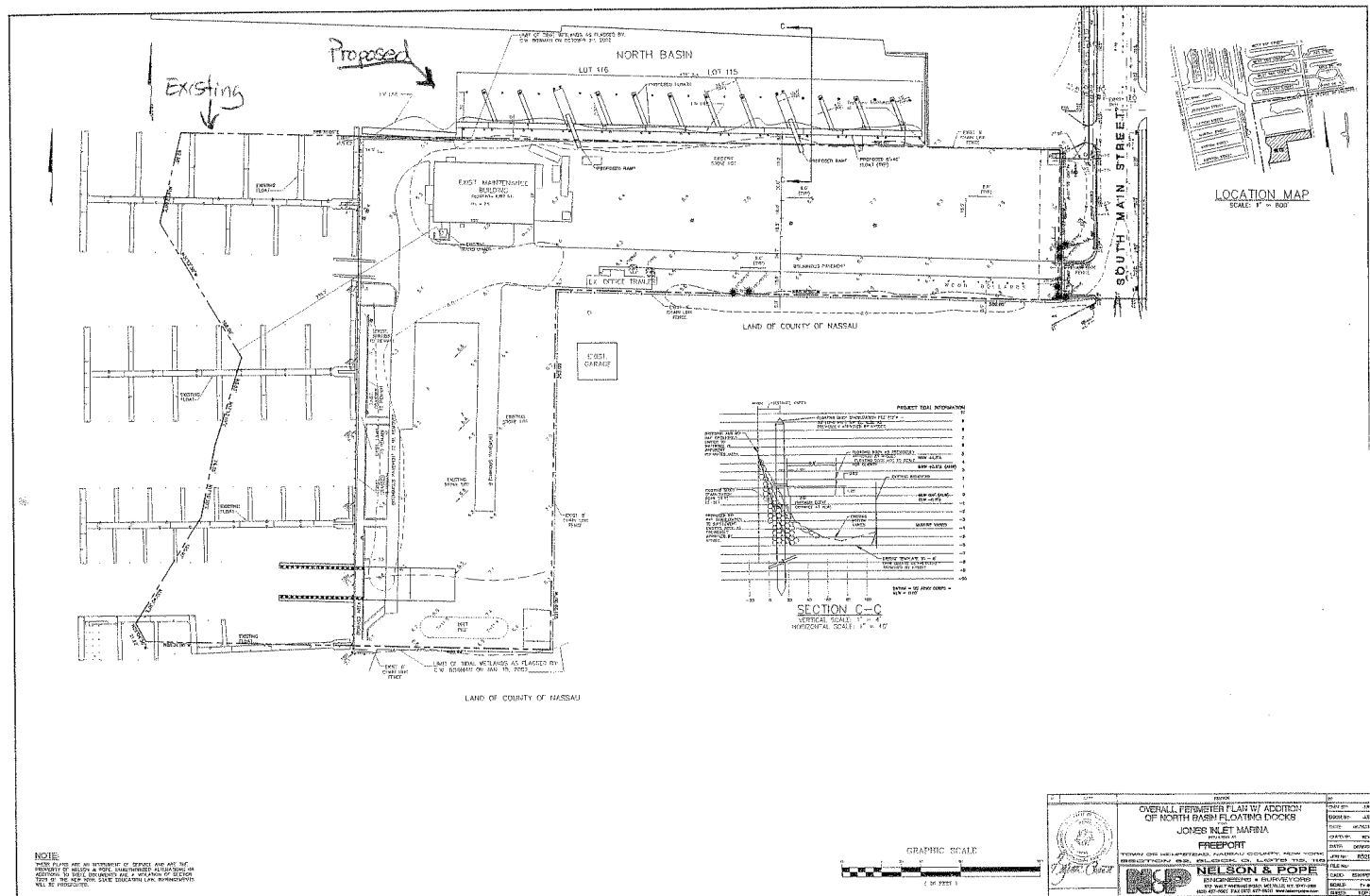
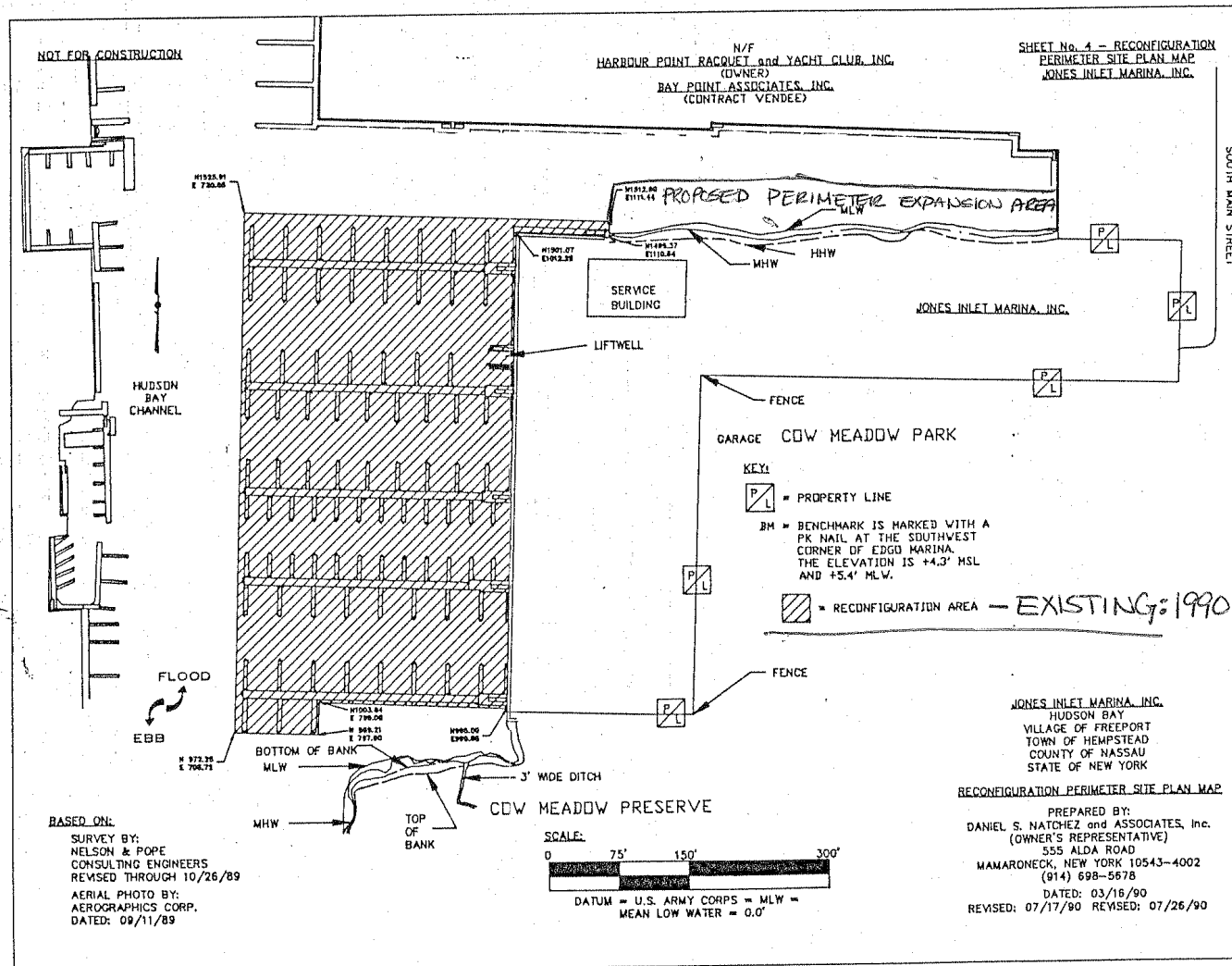
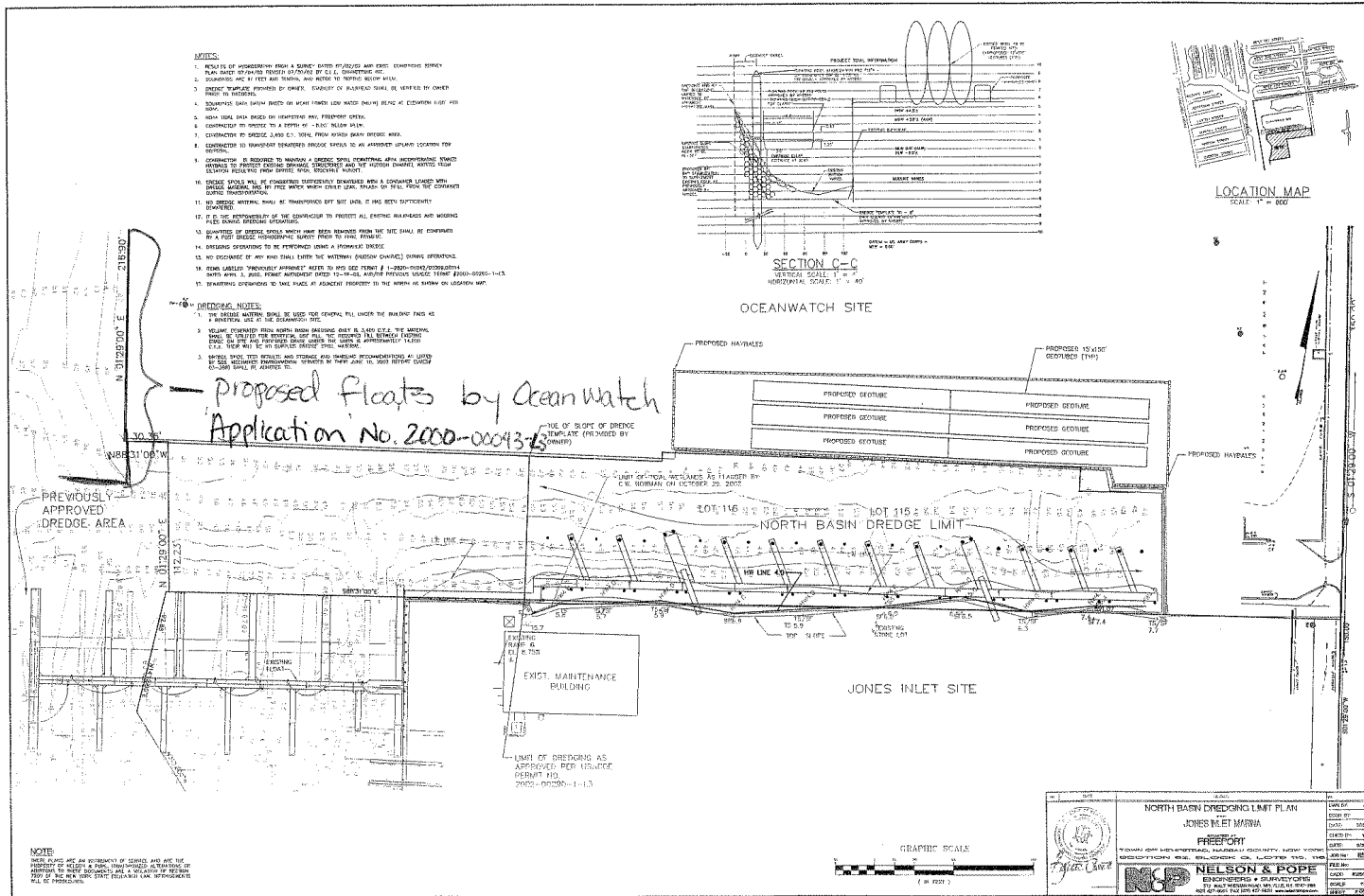


Fig 2/16





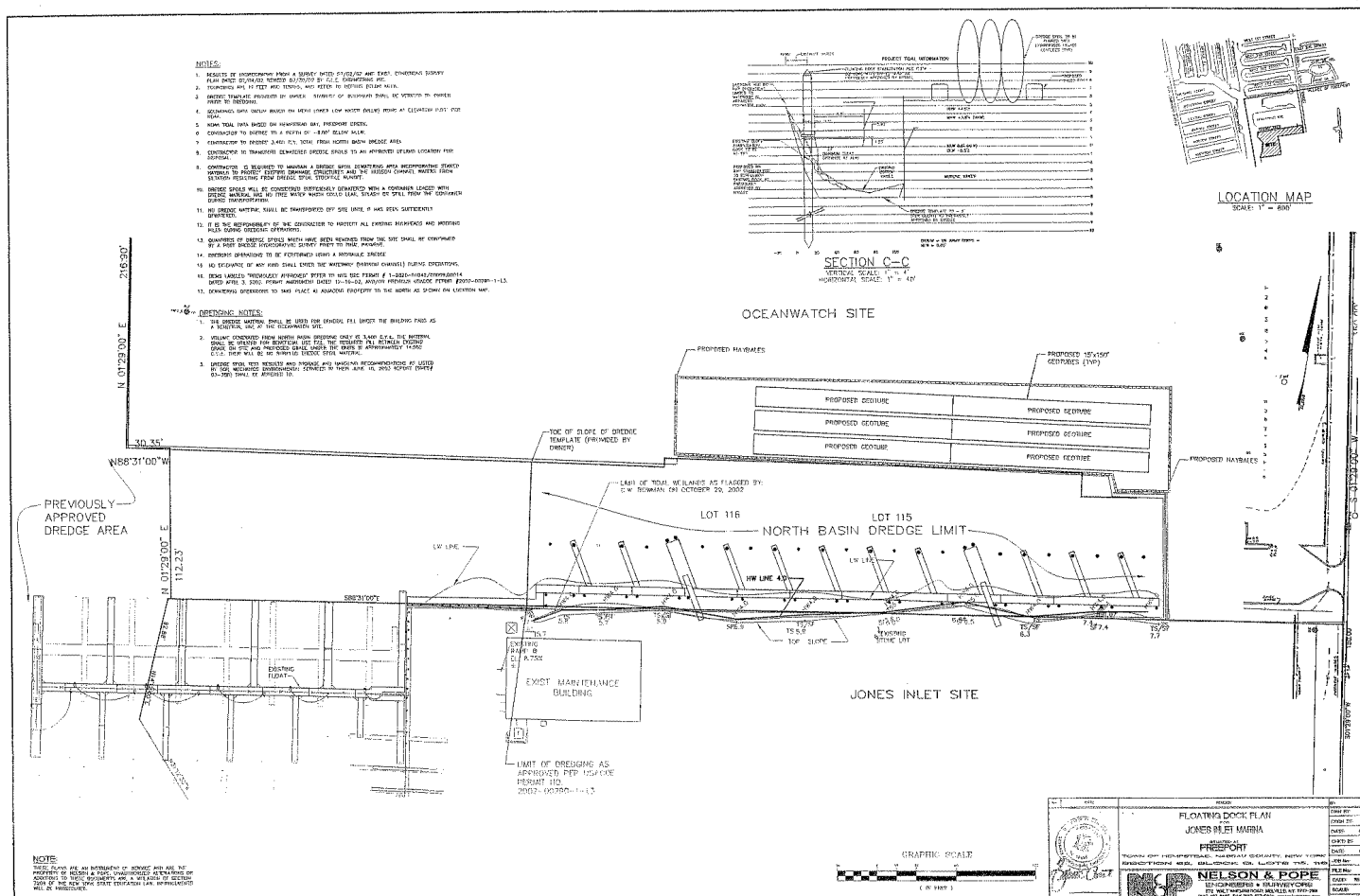


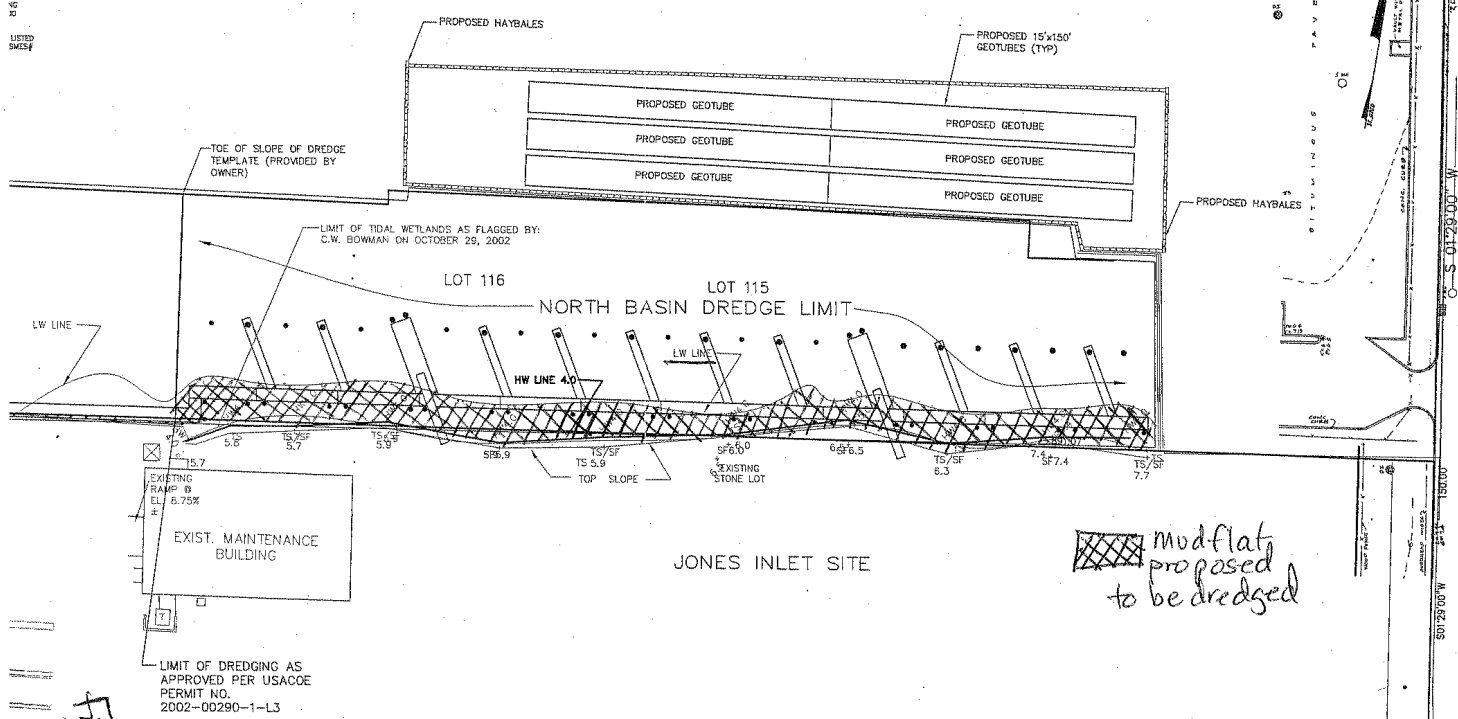
Fig. 5/16

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 INC OPERATIONS
 042/00005.00014
 SACOE PERMIT #2002-00290-1-L3
 S SHOWN ON LOCATION MAP.

SECTION C-C
 VERTICAL SCALE: 1" = 4'
 HORIZONTAL SCALE: 1" = 40'

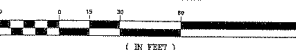
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 D
 LISTED
 04254

OCEANWATCH SITE



*mudflat
 proposed
 to be dredged*

NOT TO SCALE
 GRAPHIC SCALE



DATE		REVISION	
FLOATING DOCK PLAN JONES INLET MARINA FREEPORT TOWN OF HEMPSTEAD, NASSAU COUNTY, NEW YORK SECTION 62, BLOCK G, LOTS 115, 116			
		NELSON & POPE ENGINEERS & SURVEYORS 572 WALT WHITMAN ROAD, MELVILLE, NY 11767-2788 (631) 437-6845 FAX (631) 437-6820 www.nelsonandpope.com	
DESIGNED BY CHECKED BY DATE: 6/76 DATE: 6/76 JOB NO: 85	FILED NO: CADD: 60306 SCALE: 1" SHEET: 3 OF 4		

Fig. 6/16